

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 7, 2005

D042983 People v. Guerrero

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Huffman, J.

D043425 City of San Diego v. D.R. Horton San Diego Holding Company, Inc.

The order is affirmed. CERTIFIED FOR PUBLICATION. O'Rourke, J.; We Concur: Haller, Acting P.J., Aaron, J.

D045212 People v. Williamson

Upon filing an abandonment of appeal, the appeal is dismissed.

D042933 Yolanda G., a Minor etc. v. Furman

Judgment reversed. Furman to bear Yolanda's costs on appeal. Haller, Acting P.J., We Concur: O'Rourke, J., Aaron, J.

D043762 In re Marriage of Sanzone

The postjudgment orders and judgment are affirmed.
Huffman, J.; We Concur: McConnell, P.J., O'Rourke, J.

D045851 Stephen v. Superior Court of San Diego County/People

The petition is denied.

D045552 In re Ruiz on Habeas Corpus

The petition is denied.

D045821 In re Brose on Habeas Corpus

The petition is denied.

D045486 In re Arbee on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 8, 2005

D043903 In re the Marriage of Carnohan

The trial court's March 3, 2004 rulings numbers 1, 2, 4, 5, and 6 are affirmed. The trial court's March 3, 2004 ruling number 3, in which the trial court ordered Michael to attend counseling until released by his counselor, is reversed and remanded to the trial court with the following directions. The trial court shall determine whether the financial burden created by requiring Michael to participate in counseling will jeopardize his other financial obligations. The court shall state the reasons for its findings, as required by section 3190, subdivision (d)(2). If the trial court determines that requiring Michael to participate in counseling will not jeopardize his other financial obligations, the court may require that Michael participate in counseling, for a period of not more than one year. Parties to bear their own costs on appeal. Aaron, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D044534 In re K.S. et al., Juveniles

The judgments terminating Kristin's and Robert's parental rights and appointing a guardian are reversed. The matter is remanded to the juvenile court with directions that it (1) require the Agency to give proper ICWA notice to any appropriate tribe and the BIA, and file with the court the notices, return receipts, and any responses; and (2) hold a new section 366.26 hearing. If, at the new section 366.26 hearing, the court determines the ICWA notice was proper and no Indian entity seeks to intervene or otherwise indicates a child is an Indian child as defined by ICWA, the court shall reinstate all of its previous findings and orders, including the termination of parental rights and appointment of the guardian. If, on the other hand, an Indian entity determines a child is an Indian child under ICWA, the court shall conduct the detention, disposition and all subsequent hearings in accordance with ICWA. McConnell, P.J.; We Concur: Huffman, J., McDonald, J.

D043064 People v. Beaner, Jr.

D044515 In re Beaner, Jr. on Habeas Corpus

The pending petition for writ of habeas corpus, In re Claudell Beaner, Jr., D044515, is consolidated with the pending appeal, People v. Claudell Beander, Jr., D043064, for disposition.

D043064 People v. Beaner, Jr.

D044515 In re Beaner, Jr. on Habeas Corpus

(Consolidated) The judgment is affirmed. The petition is denied. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D044033 People v. Vasquez

The judgment is reversed and the matter remanded to the superior court with directions to vacate its order denying Vasquez's motion to suppress and to enter a new order granting the motion to suppress in its entirety. McDonald, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 8, 2005

D045669 Conservatorship of the Person of Ben C.
D045670 Conservatorship of the Person of Edward G.
D045671 Conservatorship of the Person of Mary H.
D045672 Conservatorship of the Person of Rafael S.
D045673 Conservatorship of the Person of Stephen T.
D045674 Conservatorship of the Person of Eileen W.
D045712 Conservatorship of the Person of Fawn H.

On the Court's own motion, case numbers D045669, D045670, D045671, D045672, D045673, D045674 and D045712 are consolidated. Appellant's Opening Brief on behalf of all appellants is due 40 days from the date of this order. All briefs are due within rule time and must conform to California Rules of Court. All documents and future filings will be filed under D045669.

D043657 People v. Contreras

The sentence is vacated and the case is remanded to the superior court to conduct a new sentencing hearing consistent with the principles discussed in this opinion. In all other respects, the judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

D045591 In re Johnson on Habeas Corpus

The petition is denied without prejudice.

D044078 Stephen C., a Minor etc. v. James C. et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D045655 In re Contreras on Habeas Corpus

The petition is denied.

D045125 People v. Burke

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 33(c)(5) and 17. The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 9, 2005

D043582 People v. Clark

The opinion filed on January 14, 2005, is modified. No change in judgment. The petition for rehearing is denied.

D043643 People v. Smith

D043644 People v. Smith

(Consolidated) The judgment is affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D044034 People v. Zimmeth

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

D045350 McCallum v. Carlsbad Unified School District et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D044808 Moto Villas LLC v. Zigman/Shields General Contractors/Republic Western Insurance

The appeal is dismissed.

D043401 Reichner et al. v. Maywood

The petition for rehearing is denied.

D045607 Simonton v. Superior Court of San Diego County/People

The petition is denied.

D045854 McDonnell v. Superior Court of San Diego County/Wray

Real party is directed to file an informal response to the petition on or before February 15, 2005.

Petitioner's request for stay is denied at this time inasmuch as the stay issued by the trial court remains in effect pending resolution of the writ petition by this court.

D045666 Singleton v. Superior Court of San Diego County/People

The petition is denied.

D045702 Bulfer v. Superior Court of San Diego County/People

The petition is denied.

D045609 In re Harmon on Habeas Corpus

The petition is denied.

D044669 In re the Marriage of Martie and Scott Meyer

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
FEBRUARY 9, 2005

D045623 Lisnevsky v. Superior Court of San Diego County/Standard Pacific Corporation et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 10, 2005

D044702 In re Maurice M. et al., Minors

The judgments are affirmed. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.

D045045 In re Francisco P., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.

D044405 People v. Matthew H.

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

D045188 In re Solia C., a Juvenile

The orders are affirmed. Benke, J.; We Concur: McConnell, P.J., Irion, J.

D042384 People v. Pasillas

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D042922 People v. Watkins

The judgment is affirmed. McIntyre, J.; We Concur: McDonald, Acting P.J., Aaron, J.

D045185 In re Richardson on Habeas Corpus

The petition is denied.

D043834 People v. Nalap

The judgment is reversed as to the upper term sentences imposed on counts 1, 4 and 5, but is otherwise affirmed. The matter is remanded for resentencing. Aaron, J.; I Concur: Haller, J.,
I concur and dissent: Nares, J.

D043620 Erickson et al. v. R.E.M. Concepts, Inc.

It is ordered that the opinion filed herein on February 14, 2005, be modified as follows. There is no change in judgment. The opinion is certified for publication. For full text, see order.

D043057 Butera v. MacLeod et al.

Submission in the above-entitled cause is vacated. A draft opinion has been prepared; complex issues require further conferencing within the panel. The cause is resubmitted this date, February 14, 2005.

D045860 In re Robert B., a Juvenile

Rachel R.'s notice of appeal received on February 8, 2005, is untimely. The case is dismissed.